



BOARD OF PUBLIC WORKS & SAFETY AUGUST 5, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 8:35 a.m.

PRESENT:	Board members Warren Beville, Mayor Henderson, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis and Director of Engineering Paul Peoni.
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Mr. Beville moved that the minutes of July 22nd be accepted as presented. Second by Mr. Hoover. Vote: Ayes.

Tom Fowler of 1413 Old Stoney Drive came with a request to encroach a drainage and utility easement for construction of a deck. There are two levels to the proposed deck, which go into a 15' drainage and utility easement by about 3 feet. Mr. Fowler has obtained letters from the utilities, some with the proviso that if they need to work in the easement and the deck is damaged, it is repaired at the homeowner's expense. There are no storm or sanitary sewers to interfere with the construction, noted Mr. Peoni. Mr. Hoover moved to grant the encroachment request at 1413 Old Stoney Drive for the construction of a deck with the understanding that any damage occasioned to the deck by virtue of work being done in the easement area would be the property owner's sole responsibility. Second by Mr. Beville. Vote: Ayes. Motion carried.

Attorney Joe Van Valer next discussed the Sewer Availability Fee (SAF) Credit Agreement for University Park, Sections 1 & 2. The original estimate he said, on running the interceptor line from Main Street through University Park to the Hurricane Creek Lift Station was about \$1.4 million. Roughly speaking right now, the cost is at \$2.2 million. Tim Peterson of Precedent indicated that the original estimate did not include the cost of dewatering or land acquisition, as well as contingency costs. Conversations have taken place with the property owners to the north. Mr. Van Valer indicated the property owners would be working with Precedent to include the SAF credits of those properties. The developer is aware that the SAF Credit Agreement could not be accepted today, but they are requesting a land alteration permit for the on-site University Park property. They have obtained all of the necessary easements except one at this point. Mr. Hoover at this point moved to grant a land alteration permit, subject to the understanding if all necessary steps are not completed, the responsibility is on the developer, and to direct staff to complete the Sewer Availability Fee Credit Agreement for University Park, Sections 1 & 2 and Greenwood Master Plan – Phase Three Sanitary Sewer in terms and conditions subject to the Mayor's approval and authorize the Mayor to sign. Second by Mr. Beville. Vote: Ayes. Motion carried. Mr. Hoover then moved to accept the plat over easements and offsite easements for University Park, Sections 1 and 2, and Greenwood Master Plan – Phase Three Sanitary Sewer and accept the Grants of Right of Way, subject to final review and approval by the Engineering and Law departments. Second by Mr. Beville. Vote: Ayes. Per Mr. Peoni's memo, Mr. Hoover next moved to:

- 1) Accept performance bond #5012588 in the amount of \$400,989.77 from Bond Safeguard Insurance Company for the installation of the erosion control for Homecoming at University Park, Section 1.
- 2) Accept performance bond #5012589 in the amount of \$79,241.85 from Bond Safeguard Insurance Company for the installation of the erosion control for Homecoming at University Park, Section 2.
- 3) Accept performance bond #5012590 in the amount of \$23,809 from Bond Safeguard Insurance Company for the installation of the erosion control for the City of Greenwood Master Plan – Phase Three Sanitary Sewer project, all subject to:
 - a) Final review and approval of the performance bonds by both the Engineering and Law departments.

Second by Mr. Beville. Vote: Ayes.

Max Cooper of Projects Plus came forward for Village Pines of Greenwood, Section 3B to request execution of a plat over sanitary sewer easement. Mr. Hoover moved to execute the easement as prepared and presented. Second by Mr. Beville. Vote: Ayes.

Jerry Wiggins was not in attendance, however Mr. Peoni told the Board he had reviewed the plat for Averitt Professional Parke, which is being presented for execution. There are changes needed and he was not successful in reaching Jerry Wiggins of J D Wiggins Associates. Mr. Hoover moved to execute the plat for Averitt Professional Parke, subject to final review and approval by the Engineering Department and Planning Department of those recommended changes. Second by Mr. Beville. Vote: Ayes.

Max Cooper was present to answer any questions about the Reserve at Timbers Edge, Phase II. They were asking for acceptance of improvements, acceptance of bonds, and execution of a conditional plat. This is a horizontal property regime, explained Mr. Cooper, and the first plat for the area creates the blocks. As each building is built, they will present a final plat. Mr. Peoni indicated that Kevin Riddle of his department had concerns last week about the dirt work before he left on vacation, and he wants to be sure Kevin gets to inspect the area again. The form and amounts of the bonds are acceptable. Mr. Hoover moved to:

- 1) Accept the sanitary sewers, subject to Sanitation Superintendent approval, at The Reserve at Timbers Edge, Phase II.
- 2) Accept three (3) year maintenance bond #1007538 in the amount of \$13,931.48 from Lexon Insurance Company for the sanitary sewers at The Reserve at Timbers Edge, Phase II.
- 3) Accept the stone base, asphalt base, asphalt binder and concrete curbs (streets) at The Reserve at Timbers Edge, Phase II.
- 4) Accept three (3) year maintenance bond #1007539 in the amount of \$10,110.43 from Lexon Insurance Company for the stone base, asphalt base, asphalt binder and concrete curbs (streets) at The Reserve at Timbers Edge, Phase II.
- 5) Accept performance bond #1007537 in the amount of \$5,033.88 from Lexon Insurance Company for the installation of the asphalt surface at The Reserve at Timbers Edge, Phase II.
- 6) Accept performance bond #1007535 in the amount of \$15,512.20 from Lexon Insurance Company for the installation of the sidewalks at The Reserve at Timbers Edge, Phase II.
- 7) Accept performance bond #1007536 in the amount of \$1,262.80 from Lexon Insurance Company for the installation of the signs and monuments at The Reserve at Timbers Edge, Phase II.
- 8) Accept the dirtwork and storm sewers at The Reserve at Timbers Edge, Phase II.
- 9) Accept three (3) year maintenance bond #1007540 in the amount of \$37,539.99 from Lexon Insurance Company for the dirtwork and storm sewers at The Reserve at Timbers Edge, Phase II.
- 10) Execute the plat, all conditioned upon:
 - a) Final approved field inspection on the dirtwork by the Engineering Department.
 - b) Final approval of the as-builts by the Engineering Department and receipt of final mylar as-builts.
 - c) Payment of all final Inspection & Testing fees.
 - d) Final review of the plat by both the Engineering and Planning departments.

Second by Mr. Beville. Vote: Ayes. Motion carried.

For Allyne Parke, Ken Zumstein of J. Greg Allen & Associates requested acceptance of street and sidewalk improvements in the public right-of-way, acceptance of the maintenance bonds and release of performance bonds for dirtwork and storm sewers, sidewalks and street approaches. Mr. Peoni confirmed that the improvements are acceptable in the field, the bonds are acceptable in form and amount. Per Mr. Peoni's memo, Mr. Hoover moved to:

- 1) Accept the street improvements in the public right-of-way at the Allyne Parke site on S.R. 135.
- 2) Accept three (3) year maintenance bond #5012572 in the amount of \$2,960.10 from Bond Safeguard Insurance Company for the street improvements in the public right-of-way at the Allyne Parke site on S.R. 135.
- 3) Release performance bond #400SK6288 in the amount of \$14,800.50 from USF & G for the installation of the street improvements in the public right-of-way at the Allyne Parke site on S.R. 135.

- 4) Accept the sidewalks in the public right-of-way and in the easements along S.R. 135 at the Allyne Parke site on S.R. 135.
- 5) Accept three (3) year maintenance bond #5012573 in the amount of \$2,572.46 from Bond Safeguard Insurance Company for the sidewalks in the public right-of-way and in the easements along S.R. 135 at the Allyne Parke site on S.R. 135.
- 6) Release performance bond #400SG2911 in the amount of \$12,862.30 from USF & G for the installation of the sidewalks in the public right-of-way and in the easement along S.R. 135 at the Allyne Parke site on S.R. 135.
- 7) Acknowledge that the private dirtwork, storm sewers and erosion control have been installed in reasonable compliance with the design plans at the Allyne Parke site on S.R. 135.
- 8) Release performance bond #400SG2910 in the amount of \$181,894.60 from USF & G for the installation of the private dirtwork, storm sewers and erosion control at the Allyne Parke site on S.R. 135, all subject to:
 - a) Payment of all final Inspection & Testing fees, if applicable.

Second by Mr. Beville. Vote: Ayes. Motion carried.

Mike Mullin of Beazer Homes, on behalf of Copperfield South, Section 2B, asked for acceptance of improvements, acceptance of bonds and execution of the plat. Again, per Mr. Peoni's August 5, 2004 memo, Mr. Hoover moved to:

- 1) Accept the sanitary sewers at Copperfield South, Section 2B, subject to Keith Meier, Sanitation Superintendent approval.
- 2) Accept three (3) year maintenance bond #MNT8728087 from Fidelity and Deposit Company of Maryland in the amount of \$21,388 (once revised) for the sanitary sewers at Copperfield South, Section 2B.
- 3) Accept the stone sub base, asphalt base, asphalt binder and concrete curbs (streets) at Copperfield South, Section 2B.
- 4) Accept a three (3) year maintenance bond (once received) in the amount of \$22,201 for the stone sub base, asphalt base and asphalt binder (streets) at Copperfield South, Section 2B.
- 5) Accept three (3) year maintenance bond #Q89 7470151 (once revised) from Erie Insurance Group in the amount of \$7,539 (once revised) for the concrete curbs at Copperfield South, Section 2B.
- 6) Accept performance bond #104349980 from Travelers Casualty and Surety Company of America in the amount of \$192,503 (once revised) for the installation of the dirtwork and storm sewers at Copperfield South, Section 2B.
- 7) Accept performance bond #104349981 from Travelers Casualty and Surety Company of America in the amount of \$51,582.30 for the installation of the sidewalks at Copperfield South, Section 2B.
- 8) Accept performance bond #104349982 from Travelers Casualty and Surety Company of America in the amount of \$2,409 for the installation of the signs and monuments at Copperfield South, Section 2B.
- 9) Accept performance bond #08664424 (once revised) from Fidelity and Deposit Company of Maryland in the amount of \$15,884 for the installation of the asphalt surface & tack coat at Copperfield South, Section 2B.
- 10) Accept performance bond #104349998 (once revised) from Travelers Casualty and Surety Company of America in the amount of \$90,924.52 for the installation of the erosion control at Copperfield South, Section 2B.
- 11) Execute the plat, all conditioned upon:
 - a) Final approved field inspection of the street improvements by the Engineering Department.
 - b) Final review and approval of ALL bonds by both the Engineering and Law departments.
 - c) Payment of all final Inspection & Testing fees.
 - d) Final review and approval of the plat by the Engineering and Planning departments.
 - e) Final review and approval of the as-builts by the Engineering Department.
 - f) Receipt of final mylar as-builts.

Second by Mr. Beville. Vote: Ayes. Motion carried.

From the audience, Chief Information Officer Rick Jones presented a list of Information Technology assets. The first four pages listed assets that are currently non-repairable or are no longer of any value to the City. These items are presently being stored at the Parks Department Maintenance Building. Mr. Jones asked that he might be allowed to take these items to Christy's Auction and to have that business sell them for the City at their regular weekly auction. The last page listed computer software of old

versions that are no longer useful to the City, on compact discs. By law we are unable to sell or transfer our license for this software. Mr. Jones asked permission to physically destroy these discs and remove them from our assets. Mr. Hoover moved to find that the first list of items to be auctioned off either are no longer needed or are no longer useful for their intended purpose and to direct that they be sold in accordance with State law; to find that the last list of items is worthless as defined under Indiana Code and to direct that they be destroyed. Second by Mr. Beville. Vote: Ayes.

Mr. Jones also had boxes of RAM (from upgraded computers) that still had value and asked permission to pursue a sale on the Internet. Mr. Beville moved to grant this request. Second by Mr. Hoover. The City Attorney explained that if the value of one item exceeds \$1,000 we must do a public sale and advertise; below that you can do a private sale any way you like; likewise, if the sale of a group of items does not exceed \$5,000 you can do a private sale. Vote: Ayes.

Mr. Jones next handed out an update from Government e-Management Solutions (GEMS). There was an invoice for 80% of the licensing fees. There was discussion on how to bill Sanitation funds. Mr. Jones also included an invoicing schedule he had received from GEMS.

Last, Mr. Jones discussed a receipt of a pay phone reimbursement from SBC for commission on a pay phone at the Community Center. The City does not have a monthly charge for the phone, and over a certain amount the City gets a percentage back. Mr. Jones suggested that the money should go into a Parks fund instead of Board of Works 339. There is another pay phone at the skateboard park that at this point his department does pay for, but it is in the process of being turned over because of the revenue it is generating. Mr. Hoover moved that the profits, if any, generated from the Community Center and skateboard park pay phones be returned to the Park Board funds at such time as those phones generate profit. Second by Mr. Beville. Vote: Ayes.

Police Chief Hessman informed the Board that their copier machine lease expires next month and they had been comparing prices from different vendors. The two best choices are IKON and Xerox. Xerox will offer three copy machines – two for \$1,923 (for upstairs at headquarters and the training range) and a larger one to be used at headquarters. The IKON lease over a period of 60 months is \$28,680. The Xerox lease for 60 months is \$21,300. They would like to move forward to enter into a lease with Xerox on their machines and probably purchase the two smaller ones, said the Chief, which would reduce the lease substantially. The department is expecting a refund from IKON. Ms. Koons-Davis said the lease would need to be checked for certain changes and staff would have to confirm that the machines are U.S.-made and manufactured. Mr. Beville moved to grant the request subject to the final approval of the City Attorney. Second by Mr. Hoover. Mr. Jones mentioned the possibility of more than one department purchasing at the same time. There was discussion as well on having them on one contract. The Information Technology department will look into the issue. Perhaps for the next budget all the copiers will be in that department's budget, suggested the City Attorney. The motion and second were withdrawn.

Chief Hessman next listed items that were in their property room that he would like to take to auction. Mr. Hoover moved to allow the Chief to place those items into auction in the normal, customary manner, consistent with the City Attorney's direction. Second by Mr. Beville. A list will be filed with the Clerk-Treasurer's office. Vote: Ayes.

On her Status of Tasks the City Attorney recounted that she had sent the Board in their last packet of information a proposed Power Reliability Agreement with Rural Utility Economic Development Commission for the Hurricane Creek Lift Station. She did not receive any comments from the Board, but the Sanitation Superintendent and Director of Engineering did request a revision regarding maintenance that has been addressed. Chet Aubin, CEO of Johnson County REMC, was present to answer any specific questions and gave a summary of how the agreement works and what its purpose is. He was representing a subsidiary, the Rural Utility Economic Development Corporation. Mr. Aubin stressed that the City would be saving maintenance costs and the cost of having a person exercise the unit on a bi-weekly basis, which takes about two hours. After extended discussion, including electronic notification when we use the transformer, Mr. Hoover moved to approve the Power Reliability Agreement with the Rural Utility Economic Development Commission regarding the Hurricane Creek Lift Station once it is in a form acceptable to the City Attorney, with the addition of a termination for convenience clause, and to authorize the Mayor to sign the agreement in the Board's behalf. Second by Mr. Beville. Vote: Ayes.

Ms. Koons-Davis next presented a Uniform Conflict of Interest Disclosure Statement from Clerk-Treasurer Jeannine Myers for her daughter Candace Rene' Myers who is working part-time in the Clerk-Treasurer's

office this summer for any interest she might have in her earnings. Mr. Hoover moved to accept the Uniform Conflict of Interest Statement as described. Second by Mr. Beville. Vote: Ayes.

At the June 10, 2004 meeting, Ms. Koons-Davis recalled the Board accepted improvements at the Greenwood Springs development on Emerson Avenue. They had installed the street improvements and done the asphalt work without having the City inspect it, she noted. Borings showed that the thickness was not up to City standards and specifications, so we agreed to accept those streets if they posted a maintenance guarantee in excess of the usual three-year period. It was determined at the meeting that this should be for 10 years. Counsel for Rieth-Riley faxed the City Attorney last night saying they thought this time period was unreasonable and that five years was more than adequate to address any concerns the City had. They were of the opinion that they had an agreement through staff for five years that needs to be honored and asked the City Attorney to bring this before the Board for review. Mr. Hoover recalled that the other option discussed at the June meeting was to have the contractor tear out the streets and put them in per City standards. Mr. Peoni interjected that the reasoning for the ten years was that it may be five years before any business traffic is out there and he added that there was no agreement with staff – only discussion, which was presented to the Board. Mayor Henderson recounted that during discussion it was brought up that streets should be in place from 12 to 15 years before they need more than normal maintenance and that the Board agreed to 10 years. Ms. Koons-Davis will take the response to Rieth Riley. The streets will be private, she said, if they do not comply with a 10-year guarantee or tear out the streets and rebuild them.

Mayor Henderson recalled that at the last meeting there was a contractor who wanted to be involved in the towing. Ms. Koons-Davis had issued a memo dated August 3, 2004, he noted, in essence saying that this should be left to the discretion of the Chief of Police to decide who is on the towing rotation list and how that will be handled. Counsel said we want to avoid setting official rules, policies and regulations that are authorized under an ordinance or State statute because once a formal policy is in place, those towing contractors then earn a property interest in getting on the list and being maintained on that list that cannot be taken away without due process. She recommended against a formal policy. Mr. Beville moved to leave the towing list under the supervision of the Chief. Second by Mr. Hoover. Vote: Ayes.

Mr. Peoni reported that he believes that Meridian Street is practically complete. The contractor for the Valle Vista project has started saw cutting the streets and hopefully the 2004 overlay project will start within the next week or so.

Mr. Beville moved to accept the claims as presented through August 5th. Second by Mr. Hoover. Vote: Ayes.

There was discussion on a memo from the trail board president and the Mayor suggested seeing what happens with the milling of the bypass. He directed the Executive Director of Parks, Evan Springer, and the Director of Operations to research using this asphalt.

With no further business, the meeting adjourned at 9:50 a.m.